

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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| PHILLIP OUELLETTE, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | CASE NO. 3:05CV261 (RNC) |
| | : | |
| FONTAINE SPECIALIZED, INC., et | : | |
| al. | : | |
| | : | |
| Defendants. | : | |

ORDER ON MOTION TO COMPEL

Pending before the court is Defendant Fontaine Specialized Inc.'s ("Fontaine") Motion to Compel (doc. #132). The motion seeks compliance with discovery requests directed to the intervening plaintiff, Manafort Brothers, Inc. ("Manafort") and two of Manafort's employees. Oral argument on this motion was held on January 25, 2008.

The motion to compel the deposition of Lauren Manafort is granted. She shall submit to deposition within the next thirty days. She shall also comply with the requests for production attached as Schedule A to the deposition notice, as set forth below.

The motion to compel the deposition of Jay Laviero is granted. He shall submit to deposition within the next thirty days. He shall also comply with the requests for production attached as Schedule A to the deposition notice, as set forth below.

The motion to compel responses to the requests for production attached as Schedule A to the deposition notices is granted, except that Request for Production #5(d) is modified as follows by agreement of counsel in open court:

d. any notes and/or correspondence to, from, referring to or relating to Paul Lonardo's present location, his last known whereabouts or the accident.

The motion to compel is also granted as to all of the discovery requests specifically set forth on pages 19 and 23-25 of Fontaine's motion (doc. #133). Manafort shall supplement its responses to these requests.

The following general instructions shall apply to all of the above production requests. The responsive materials shall be produced within ten days of this order. D. Conn. L. Civ. R. 37(d). Manafort and each of the witnesses shall conduct a diligent search and produce all responsive documents in their possession, custody or control. See Fed. R. Civ. P. 34, 45. A document is in a person's "control" if he has the right, authority, or ability to obtain the documents upon demand. Scott v. Arex, 124 F.R.D. 39, 41 (D. Conn. 1989). Any responsive electronically stored information must also be produced. See Fed. R. Civ. P. 34, 45.

As to each production request, if the documents have already been produced, the response shall specify the Bates number or other identification of the responsive items

previously produced. If the responsive documents do not exist,
that answer may be provided under oath in the response.

Fontaine's request for sanctions is denied.

SO ORDERED at Hartford, Connecticut this 8th day of
February, 2008.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge